

**MONDAY, JANUARY 23, 2012**  
**FORTY-FIFTH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Reverend George Long, First Christian Church of Crossville, Crossville, TN.

Representative Sexton led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 98

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell – 98

**COMMUNICATION**  
**January 20, 2012**

Michael Walker  
Walker Arch, LLC  
105 North Center Street, Suite 201  
Collierville, TN 38017

Re: West Tennessee Seismic Safety Commission

Dear Mr. Walker:

This letter replaces the letter you received dated December 9, 2011 (copy attached). Please note that your term commencement date and expiration date have been changed.

As Speaker of the House of Representatives acting pursuant to Tennessee Code Annotated, § 58-9-101, I am appointing you to serve as a member of the West Tennessee Seismic Safety Commission. Your term commences August 1, 2012 and will expire on July 30, 2016.

**MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION**

I am forwarding a copy of this letter to Beverly Cook, at the University of Memphis. Ms. Cook will be contacting you in the near future regarding this appointment.

I am confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,  
/s/ Speaker Beth Harwell

cc: Beverly Cook, University of Memphis  
Lt. Gov. Ron Ramsey  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Jeremy Harrel, G-7 State Capitol Bldg.  
Gregory Gleaves  
Connie Ridley  
Joseph A. Barnes  
Tammy Letzler

**MESSAGE FROM THE SENATE  
January 20, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 496, 497, 498, 501, 502, 503, 504, 505, 508, 509, 510, 511, 512 and 514; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 496** -- Memorials, Death - Carle M. Davis. by \*Overbey.

**Senate Joint Resolution No. 497** -- Memorials, Professional Achievement - Captain Jeff Burchfield, Albert Pierce Medal for Heroism. by \*Overbey.

**Senate Joint Resolution No. 498** -- Memorials, Professional Achievement - Captain Jeff Burchfield, Albert Pierce Medal for Heroism. by \*Overbey, \*Southerland.

**Senate Joint Resolution No. 501** -- Memorials, Professional Achievement - Donald Samuels, National Commander of DAV. by \*Crowe, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Marrero, \*Massey, \*McNally, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager, \*Ramsey.

**Senate Joint Resolution No. 502** -- Memorials, Death - Reverend Carl R. Resener. by \*Haynes, \*Henry, \*Harper, \*Herron.

**Senate Joint Resolution No. 503** -- Memorials, Retirement - Rich Boyd. by \*Haynes, \*Henry, \*Berke, \*Harper, \*Herron, \*Norris, \*Overbey, \*Tracy.

**Senate Joint Resolution No. 504** -- Memorials, Death - Jeanette Rudy. by \*Haynes, \*Henry, \*Harper, \*Herron.

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**MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**Senate Joint Resolution No. 505** -- Memorials, Recognition - Whitaker-Motlow House, National Register of Historic Places. by \*Ketrone, \*Tracy.

**Senate Joint Resolution No. 508** -- Memorials, Death - Dr. Grover C. Jewell. by \*Finney L.

**Senate Joint Resolution No. 509** -- Memorials, Death - Charlie Reagan. by \*Finney L, \*Herron.

**Senate Joint Resolution No. 510** -- Memorials, Death - W.G. "Dub" Currie. by \*Finney L.

**Senate Joint Resolution No. 511** -- Memorials, Heroism - Lance Corporal Cody Evans. by \*Faulk, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketrone, \*Marrero, \*Massey, \*McNally, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager, \*Ramsey.

**Senate Joint Resolution No. 512** -- Memorials, Sports - Friendship Christian School football team, 2011 Class 2A State Champion. by \*Beavers.

**Senate Joint Resolution No. 514** -- Memorials, Recognition - Fred J. Page High School, National Blue Ribbon School. by \*Johnson.

**REPORT OF CHIEF ENGROSSING CLERK  
January 20, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 518, 519, 521, 524, 528, 529, 530, 531, 532, 533, 534, 536, 537, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553 and 555; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
January 23, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 528 and 529; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 528** -- General Assembly, Joint Conventions - State of the State Address, January 30, 2012. by \*Norris.

**Senate Joint Resolution No. 529** -- General Assembly, Joint Conventions - Calls joint convention on January 26, 2012, for purpose of fulfilling ethics course requirement for members of the general assembly. by \*Norris.

**MESSAGE FROM THE SENATE**  
**January 23, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 530; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 530** -- Memorials, Personal Occasion - Reverend Neasbie Alston, 90th birthday. by \*Marrero, \*Ford, \*Kelsey, \*Kyle, \*Norris, \*Tate.

**PRESENT IN CHAMBER**

Representative(s). Womick was/were recorded as being present in the Chamber.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Representative Wirgau was recognized in the Well to introduce the Henry County High School football team and their coach, James Counce; after which, the Speaker recognized Coach Counce and the Henry County Quarterback Club President, John Davidson, in the Well for remarks.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 573, previously adopted on January 19, 2012, which honored the Henry County High School football team and Coach James Counce for winning the 2011 TSSAA Class 5A BlueCross Bowl football state championship:

**House Joint Resolution No. 573** -- Memorials, Sports - Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl football state champion. by \*Wirgau.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 574, previously adopted on January 19, 2012, which honored Coach James Counce's recognition as the 2011 Titans High School Football Coach of the Year:

**House Joint Resolution No. 574** -- Memorials, Sports - James Counce, 2011 Titans High School Football Coach of the Year. by \*Wirgau.

## INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 587** -- General Assembly, Statement of Intent or Position - Recognizes the destructive and insidious nature of United Nations Agenda 21. by \*Brooks K, \*Carr, \*Womick, \*Floyd, \*Miller D, \*Maggart, \*Rich, \*Faison, \*Weaver, \*Hill, \*Niceley, \*Lollar, \*Johnson P, \*Halford, \*Gotto, \*Matheny, \*Campbell, \*Evans, \*Casada, \*Sparks

House State and Local Government Committee

## RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 25, 2012:

**House Joint Resolution No. 589** -- Memorials, Personal Occasion - Pauline Hughes, 90th birthday. by \*Casada, \*Sargent.

**House Joint Resolution No. 590** -- Memorials, Retirement - Dennis Anglin. by \*Casada, \*Sargent.

**House Joint Resolution No. 591** -- Memorials, Retirement - Gary Luffman. by \*Casada, \*Sargent.

**House Joint Resolution No. 592** -- Memorials, Recognition - Helping Hands and Linking Arms Day of Service. by \*Haynes, \*Dunn, \*Hall, \*Brooks H.

## SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for January 25, 2012:

**Senate Joint Resolution No. 496** -- Memorials, Death - Carle M. Davis. by \*Overbey.

**Senate Joint Resolution No. 497** -- Memorials, Professional Achievement - Captain Jeff Burchfield, Albert Pierce Medal for Heroism. by \*Overbey.

**Senate Joint Resolution No. 498** -- Memorials, Death - Michael Rawlings. by \*Overbey, \*Southerland.

**Senate Joint Resolution No. 501** -- Memorials, Professional Achievement - Donald Samuels, National Commander of DAV. by \*Crowe, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Marrero, \*Massey, \*McNally, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager, \*Ramsey.

## MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION

**Senate Joint Resolution No. 502** -- Memorials, Death - Reverend Carl R. Resener. by \*Haynes, \*Henry, \*Harper, \*Herron.

**Senate Joint Resolution No. 503** -- Memorials, Retirement - Rich Boyd. by \*Haynes, \*Henry, \*Berke, \*Harper, \*Herron, \*Norris, \*Overbey, \*Tracy.

**Senate Joint Resolution No. 504** -- Memorials, Death - Jeanette Rudy. by \*Haynes, \*Henry, \*Harper, \*Herron.

**Senate Joint Resolution No. 505** -- Memorials, Recognition - Whitaker-Motlow House, National Register of Historic Places. by \*Ketron, \*Tracy.

**Senate Joint Resolution No. 508** -- Memorials, Death - Dr. Grover C. Jewell. by \*Finney L.

**Senate Joint Resolution No. 509** -- Memorials, Death - Charlie Reagan. by \*Finney L, \*Herron.

**Senate Joint Resolution No. 510** -- Memorials, Death - W.G. "Dub" Currie. by \*Finney L.

**Senate Joint Resolution No. 511** -- Memorials, Heroism - Lance Corporal Cody Evans. by \*Faulk, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Marrero, \*Massey, \*McNally, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager, \*Ramsey.

**Senate Joint Resolution No. 512** -- Memorials, Sports - Friendship Christian School football team, 2011 Class 2A State Champion. by \*Beavers.

**Senate Joint Resolution No. 514** -- Memorials, Recognition - Fred J. Page High School, National Blue Ribbon School. by \*Johnson.

## INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 2776** -- Wildlife Resources Commission - As introduced, rewrites provisions governing board for the conservation of game, fish and wildlife; replaces wildlife resources commission with wildlife conservation commission. - Amends TCA Title 4; Title 11; Title 43; Title 44; Title 67; Title 69 and Title 70. by \*McCormick, \*Matheny.

**House Bill No. 2777** -- Education, Dept. of - As introduced, establishes a 25 percent tuition waiver for children of members of the military stationed overseas; provided, that the student qualifies for in-state tuition. - Amends TCA Title 49, Chapter 7, Part 1. by \*Camper.

**House Bill No. 2778** -- Education - As introduced, requires comptroller to audit annually the books and records of a virtual school operated or managed by a for-profit entity. - Amends TCA Title 49, Chapter 16. by \*Stewart.

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**House Bill No. 2779** -- Education - As introduced, requires data from virtual schools to be reported on the annual report card of the department of education. - Amends TCA Title 49. by \*Stewart.

**House Bill No. 2780** -- Education - As introduced, requires Tennessee students in Tennessee virtual schools to take the same proficiency tests as students attending other public schools. - Amends TCA Title 49, Chapter 16. by \*Stewart.

**\*House Bill No. 2781** -- Real Property - As introduced, authorizes suit for trespass to be brought in any court of general jurisdiction in county where trespass occurred or where the trespasser resides. - Amends TCA Title 29 and Title 66. by \*Stewart.

**House Bill No. 2782** -- Alcoholic Beverages - As introduced, requires alcoholic beverage commission to promulgate rules and regulations restricting sale of certain high alcohol content beverages. - Amends TCA Title 57, Chapter 1; Title 57, Chapter 3; Title 57, Chapter 4 and Title 57, Chapter 5. by \*McDaniel.

**House Bill No. 2783** -- Alcoholic Beverages - As introduced, requires alcoholic beverage commission to promulgate rules and regulations restricting sale of high alcohol content beverages. - Amends TCA Title 57, Chapter 1; Title 57, Chapter 3; Title 57, Chapter 4 and Title 57, Chapter 5. by \*McDaniel.

**House Bill No. 2784** -- Employees, Employers - As introduced, enacts the "Lifelong Learning Accounts Act of 2012." - Amends TCA Title 4. by \*Fitzhugh, \*Naifeh, \*Pitts.

**House Bill No. 2785** -- General Assembly - As introduced, requires the general assembly to meet in regular session every two years instead of each year; requires legislative staff to remain employed continually each year; requires state budget to be for two fiscal years instead of one; reduces frequency of reports submitted to general assembly from each year to every other year; directs code commission to change certain references to implement these changes. - Amends TCA Title 1, Chapter 1; Title 2; Title 3; Title 4; Title 7, Chapter 82; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 17; Title 20, Chapter 7, Part 1; Title 29, Chapter 13, Part 1; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 45; Title 47, Chapter 18; Title 49; Title 50, Chapter 7; Title 53; Title 54, Chapter 3; Title 55, Chapter 6; Title 56; Title 63; Title 64; Title 67, Chapter 4; Title 68, Chapter 211; Title 69 and Title 71. by \*Fitzhugh.

**House Bill No. 2786** -- Traffic Safety - As introduced, requires countdown timers be installed at all intersections with unmanned traffic safety cameras implemented after July 1, 2012. - Amends TCA Section 55-8-198. by \*Fitzhugh.

**\*House Bill No. 2787** -- Sentencing - As introduced, provides that a person who is convicted of an offense involving a motor vehicle that injures or kills two or more first responders who are acting in the line of duty at the scene of or in route to or from an accident or medical emergency must serve any sentences received consecutively rather than concurrently. - Amends TCA Section 40-35-115. by \*Campbell.

**\*House Bill No. 2788** -- Safety - As introduced, requires certain persons who install and maintain elevators to be licensed. - Amends TCA Title 68, Chapter 121. by \*McDonald, \*Dean.

**MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*House Bill No. 2789** -- Education - As introduced, regulates student conduct on school buses; permits school personnel, including school bus drivers, to use reasonable force, subject to certain restrictions, in maintaining discipline. - Amends TCA Title 37; Title 39 and Title 49. by \*McDonald.

**\*House Bill No. 2790** -- Child Custody and Support - As introduced, permits a grandparent with previously granted visitation rights to file a petition in opposition to relocation of a child and, under certain circumstances, to obtain custody over the child. - Amends TCA Title 16 and Title 36. by \*McDonald.

**\*House Bill No. 2791** -- Inheritance Laws - As introduced, reduces the amount of a surviving spouse's elective share by the value of any assets transferred, or deemed transferred, within the six months immediately preceding the decedent's death. - Amends TCA Title 30; Title 31; Title 32; Title 35 and Title 36. by \*McDonald.

**\*House Bill No. 2792** -- Physicians and Surgeons - As introduced, changes from "January 1, 2013" to "July 1, 2012" the effective date of Chapter 434 of the Public Acts of 2011, which prohibits physicians from utilizing telemedicine to provide abortion services. - Amends TCA Title 63 and Chapter 434 of the Public Acts of 2011. by \*Hill.

**\*House Bill No. 2793** -- Highway Signs - As introduced, names bridge on S.R. 246 in Williamson County in honor of the late Spc. Danny Gale Martin. by \*Casada.

**\*House Bill No. 2794** -- Highway Signs - As introduced, designates exits on I-40 in Cumberland County for Sergeant Milo Lemert, a Medal of Honor recipient. by \*Sexton.

**\*House Bill No. 2795** -- Tennessee Wildlife Resources Agency - As introduced, authorizes persons in Cumberland County to use dogs in the eradication of wild hogs. - Amends TCA Title 70. by \*Sexton.

**\*House Bill No. 2796** -- Unemployment Compensation - As introduced, requires drug testing of persons filing new claims for unemployment benefits. - Amends TCA Title 4 and Title 50. by \*Cobb .

**\*House Bill No. 2797** -- Day Care - As introduced, exempts certain adult day care services operated by nursing homes or assisted-care living facilities from licensure by the department of human services. - Amends TCA Title 71, Chapter 2, Part 4. by \*Hill.

**House Bill No. 2798** -- Consumer Protection - As introduced, requires certain roofing contractors and agents to make certain disclosures to solicited persons where an insurance claim has been made or is anticipated for the provision of roofing goods or services. - Amends TCA Title 47; Title 56 and Title 62. by \*Johnson P.

**House Bill No. 2799** -- Motor Vehicles - As introduced, inserts an omitted reference to the 10-day period within which an owner of a garage, trailer park or lot must report abandoned vehicles; increases, from 14 to 20 days, the grace period for certain members of the military to renew registrations upon returning to Tennessee after being stationed overseas. - Amends TCA Title 55. by \*Johnson P.



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**\*House Bill No. 2800** -- Alcoholic Beverages - As introduced, authorizes Riverview Restaurant, also known as the Catfish Place under the bridge, located in Cheatham County to be licensed as a premier type tourist resort. - Amends TCA Section 57-4-102. by \*Johnson P.

**\*House Bill No. 2801** -- Physicians and Surgeons - As introduced, expands the board's authority to deny, suspend or revoke a license for any physicians supervising an unlicensed or non-physician performing hormone replacement therapy.  
- Amends TCA Title 63. by \*Johnson P.

**House Bill No. 2802** -- Consumer Protection - As introduced, authorizes a mattress manufacturer, wholesaler or retailer to offer a comfort exchange policy pursuant to the sale of a mattress; includes a mattress returned pursuant to such a policy in definition of secondhand. - Amends TCA Title 47, Chapter 18, Part 1 and Title 68, Chapter 15, Part 2. by \*Brooks K.

**\*House Bill No. 2803** -- Highway Signs - As introduced, names segment of U.S. 70 in DeKalb County in honor of the late PFC Billy Gene Anderson. by \*Weaver.

**\*House Bill No. 2804** -- Highway Signs - As introduced, includes I-26 in Unicoi County within Purple Heart Trail. - Amends Chapter 741 of the Public Acts of 2006 and Chapter 767 of the Public Acts of 2004. by \*Hawk.

**House Bill No. 2805** -- Board of Regents - As introduced, permits a community college to begin operating at a location in the service area of another community college that has ceased operations at the location. - Amends TCA Title 49, Chapter 7 and Title 49, Chapter 8. by \*Powers, \*Ragan, \*Keisling, \*Matlock, \*Windle.

**\*House Bill No. 2806** -- General Assembly, Directed Studies - As introduced, directs the commissioner of the department of human services to conduct a summer study that will assess the feasibility of more work friendly assistance eligibility and benefits requirements in order to increase workforce participation. - Amends TCA Title 71. by \*Powers, \*Ragan, \*Keisling.

**House Bill No. 2807** -- Welfare - As introduced, requires the reduction of Temporary Assistance to Needy Families (TANF) payments for parents or caretakers of TANF recipients whose children fail to maintain satisfactory progress in school. - Amends TCA Title 71, Chapter 3, Part 1. by \*Dennis.

**\*House Bill No. 2808** -- Workers Compensation - As introduced, clarifies that either party in a worker's compensation dispute may bring suit in the county in which the employee resided at the time of the injury, revising current law's requirement that it be the county where the employee resides, when issues remain after the benefit review conference. - Amends TCA Title 50. by \*Dennis.

**House Bill No. 2809** -- Statutes and Codification - As introduced, provides that no statutory private right of action or duty of care is created unless statute contains express language creating the right or duty and prohibits implied rights of action or duties of care unless based on common law where no controlling statute exists. - Amends TCA Title 1, Chapter 3, Part 1. by \*Dennis.

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**House Bill No. 2810** -- Tort Liability and Reform - As introduced, provides that doctrine of joint and several liability does not apply in civil actions governed by comparative fault except for applicable cases involving the family purpose doctrine. - Amends TCA Title 20, Chapter 6, Part 1 and Title 29, Chapter 11, Part 1. by \*Dennis.

**House Bill No. 2811** -- Tort Liability and Reform - As introduced, codifies that with certain exceptions a landowner owes no duty of care to a trespasser and is not subject to civil liability for injury, death or property damage suffered by a trespasser while on the landowner's land. - Amends TCA Title 29, Chapter 34. by \*Dennis.

**House Bill No. 2812** -- Bail, Bail Bonds - As introduced, requires persons who have previously failed to appear in court as scheduled to post money or real estate as security for a bail bond. - Amends TCA Section 40-11-104. by \*Dean.

**House Bill No. 2813** -- Civil Procedure - As introduced, adds physician assistants to list of medical professionals who are exempt from subpoena to trial in a civil action but who are subject to subpoena to a deposition. - Amends TCA Section 24-9-101. by \*Sontany.

**House Bill No. 2814** -- State Government - As introduced, creates the office of inspector general for fraud, waste, corruption and abuse within all departments and branches of state government. - Amends TCA Title 4. by \*Coley.

**House Bill No. 2815** -- Public Health - As introduced, revises current law to restrict the entities to which the department of health may disburse federal Title X family planning funds to certain public agencies. - Amends TCA Section 68-34-105. by \*Faison, \*Powers, \*Sanderson, \*Wirgau, \*Womick, \*Carr, \*Eldridge, \*Sparks.

**\*House Bill No. 2816** -- Pest Control - As introduced, prohibits pest control operators from offering or entering into no treatment contracts. - Amends TCA Title 47, Chapter 18 and Title 62, Chapter 21. by \*Faison.

**\*House Bill No. 2817** -- Sexual Offenders - As introduced, prohibits sexual offenders and violent sexual offenders from establishing a primary or secondary residence or accepting employment within 1,000 feet of a place of worship. - Amends TCA Title 40, Chapter 39, Part 2. by \*Faison.

**\*House Bill No. 2818** -- Planning, Public - As introduced, creates different requirements for subdivisions and development in counties in which county-wide zoning has not been enacted. - Amends TCA Title 13, Chapter 3, Part 4. by \*Faison.

**House Bill No. 2819** -- Environment and Conservation, Department of - As introduced, transfers jurisdiction of the Off-Highway Vehicle Act from wildlife resources agency to department of environment and conservation. - Amends TCA Title 11; Title 68 and Title 70. by \*Faison.

**House Bill No. 2820** -- Criminal Procedure - As introduced, provides that in a criminal case the trial judge has no authority to grant a defendant a new trial or set aside the verdict because the judge disagrees with the jury about the weight of the evidence. - Amends TCA Title 40, Chapter 18. by \*Dunn.

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**House Bill No. 2821** -- Civil Procedure - As introduced, increases from five to seven days the notice required to a defendant prior to a hearing regarding abatement of a nuisance. - Amends TCA Title 23 and Title 29. by \*Lundberg.

**\*House Bill No. 2822** -- Taxes, Exemption and Credits - As introduced, exempts from property taxes and sales taxes civic leagues or organizations designated as Internal Revenue Code § 501(c)(4) organizations and located in Hawkins County. - Amends TCA Title 67, Chapter 5 and Title 67, Chapter 6, Part 3. by \*Harrison.

**House Bill No. 2823** -- Criminal Offenses - As introduced, grants immunity from prosecution of prostitution where a person is a victim of involuntary labor servitude, sexual servitude, or where the person is a victim as defined under the federal Trafficking Victims Protection Act. - Amends TCA Title 39 and Title 40. by \*Coley, \*McCormick.

**\*House Bill No. 2824** -- Criminal Offenses - As introduced, corrects omitted language from offense prohibiting the manufacture of hallucinogenic plant salvia divinorum and synthetic cannabinoids. - Amends TCA Title 39. by \*Lundberg.

**\*House Bill No. 2825** -- Controlled Substances - As introduced, permits county medical examiners to access the controlled substance database, absolves civil and criminal liability for authorized users acting in good faith within the proscribed limits, and establishes a presumption of good faith action where a medical examiner accesses the information for the purpose of conducting an investigation into a death or making a report as required by the duties of the position. - Amends TCA Title 38, Chapter 7; Title 39 and Title 53, Chapter 10. by \*Hensley.

**House Bill No. 2826** -- Marriage - As introduced, allows appointed and elected municipal court judges to solemnize marriages in any county of the state rather than in just the municipality in which the judge has jurisdiction. - Amends TCA Title 36, Chapter 3, Part 3. by \*Sparks.

**House Bill No. 2827** -- Education, Higher - As introduced, authorizes and encourages reverse articulation or reverse transfer agreements between the board of regents' community colleges and universities in the board of regents and UT systems and that are private SACS accredited institutions. - Amends TCA Title 49. by \*Montgomery.

**House Bill No. 2828** -- Special License Plates - As introduced, requires the department of revenue to include on its web site the minimum order requirements for cultural and new specialty earmarked license plates. - Amends TCA Title 55, Chapter 4, Part 2. by \*Montgomery.

**\*House Bill No. 2829** -- Tort Liability and Reform - As introduced, grants immunity from civil liability to an operator of an ice-skating rink who complies with certain responsibilities. - Amends TCA Title 29. by \*Montgomery.

**\*House Bill No. 2830** -- Probation and Parole - As introduced, permits private probation providers who meet certain qualifications and contract with the department of correction to supervise Class E felony offenders who are granted probation. - Amends TCA Title 40. by \*Williams R, \*Ragan, \*Powers.

**MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Bill No. 2831** -- Schools, Charter - As introduced, prohibits operation of or supply of goods or services to public charter schools by foreign nationals or organizations controlled by foreign nationals; prohibits foreign nationals, other than those who are lawful permanent residents of the United States, from teaching in public charter schools. - Amends TCA Title 49, Chapter 13. by \*Fitzhugh.

**\*House Bill No. 2832** -- Taxes, Ad Valorem - As introduced, includes certain reusable materials as finished goods or manufactured articles in the hands of the manufacturer for purposes of property taxation. - Amends TCA Title 67, Chapter 5, Part 2. by \*Matheny.

**\*House Bill No. 2833** -- Special License Plates - As introduced, extends until June 30, 2013, for Donate Life new specialty earmarked license plates to obtain the minimum number of orders for issuance of such license plate. - Amends TCA Title 55, Chapter 4. by \*Matheny.

**\*House Bill No. 2834** -- Criminal Offenses - As introduced, grants immunity for those who report certain injuries in good faith and specifies that the reporting requirement for those injuries is within two business days. - Amends TCA Title 38 and Title 39. by \*Rich.

**\*House Bill No. 2835** -- Newspapers and Publications - As introduced, requires notices of foreclosures, land sales, transactions involving real property and other legal notices required by statute be publicized by either publishing notice in certain local newspapers or posting notice on certain web sites. by \*Womick.

**\*House Bill No. 2836** -- Sentencing - As introduced, requires any sentence received for the offenses of identity theft and identity theft trafficking to be served consecutive to any other offense committed as a result of the identity theft. - Amends TCA Title 39, Chapter 14, Part 1. by \*Sanderson, \*Maggart, \*Faison.

**\*House Bill No. 2837** -- Public Contracts - As introduced, deletes 2010 amendment that classified certain documents submitted to the state in response to a request for proposal or other procurement method as confidential after completion of the evaluation period. - Amends TCA Section 10-7-504; Title 56 and Title 63. by \*Sanderson.

**\*House Bill No. 2838** -- Taxes, Income - As introduced, defines "dividend" as distributions of income out of earned surplus to shareholders made on account of stock ownership and directly related to such ownership. - Amends TCA Title 67, Chapter 2, Part 1. by \*Carr.

**\*House Bill No. 2839** -- Health Care - As introduced, designates the department of finance and administration as the state agency for the implementation of Public Law 111-148. - Amends amend TCA. by \*Sargent.

**\*House Bill No. 2840** -- Taxes, Inheritance Gift - As introduced, eliminates the gift tax in 2013 and thereafter. - Amends TCA Title 67, Chapter 8, Part 6; Title 67, Chapter 8, Part 1 and Title 67, Chapter 8, Part 4. by \*Sargent, \*Harwell, \*Weaver, \*Williams R, \*Niceley, \*Johnson C, \*Elam, \*Brooks K, \*McDaniel, \*Hurley, \*Halford, \*Brooks H, \*Dunn, \*Holt, \*Hawk, \*Wirgau, \*Eldridge, \*Montgomery, \*Powers, \*Haynes, \*Shipley, \*Dean, \*Hall, \*Williams K, \*Campbell, \*Keisling, \*Cobb, \*White, \*Ford, \*Matlock, \*Dennis, \*Butt, \*Marsh, \*Sexton, \*Johnson P, \*Gotto, \*Sanderson, \*Hill, \*McManus, \*Lundberg, \*Casada, \*Alexander.

**MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*House Bill No. 2841** -- Short Term Loans and Lenders - As introduced, revises various provisions governing deferred presentment services, including provisions regarding qualifications for licensure; authorizes commissioner of financial institutions to require persons subject to Deferred Presentment Services Act to be licensed through a multi-state automated licensing system. - Amends TCA Section 45-17-107; Section 45-17-108; Section 45-17-110; Section 45-17-111; Section 45-17-119 and Section 45-17-104. by \*Sargent.

**\*House Bill No. 2842** -- Taxes, Exemption and Credits - As introduced, exempts income derived from stocks and bonds of certain Subchapter S corporations from the Hall income tax. - Amends TCA Title 67, Chapter 2. by \*Sargent, \*Todd.

**House Bill No. 2843** -- Travel Regulations - As introduced, authorizes the issuance of overdimensional permits by TDOT to certain qualified vehicles to travel on the interstate at night. - Amends TCA Section 55-7-205. by \*Johnson P.

**\*House Bill No. 2844** -- Election Laws - As introduced, authorizes the election commission to designate a polling place outside the precinct it is to serve, but within the limits of the municipality, for a municipal election not held in conjunction with any other election. - Amends TCA Title 2, Chapter 3, Part 1. by \*Dunn.

**\*House Bill No. 2845** -- Fees - As introduced, establishes a fee imposed on customers for transmitting money through certain entities; requires the department of revenue to administer the collection of said fee; establishes a fund for the moneys collected that can be utilized by the Tennessee bureau of investigation for certain activities. - Amends TCA Title 39, Chapter 14, Part 9; Title 40, Chapter 33, Part 2; Title 45, Chapter 7, Part 2 and Title 67, Chapter 4. by \*Carr.

**House Bill No. 2846** -- TennCare - As introduced, enacts an initiative to improve program integrity in the CoverKids and TennCare programs. - Amends TCA Title 56 and Title 71. by \*Sargent.

**\*House Bill No. 2847** -- Child Custody and Support - As introduced, creates a rebuttable presumption that awarding sole custody, joint legal or joint physical custody or unsupervised visitation to the perpetrator of child abuse or child sexual abuse is not in the best interest of the child. - Amends TCA Title 36; Title 37; Title 39, Chapter 13; Title 39, Chapter 15 and Title 39, Chapter 17. by \*Sargent.

**\*House Bill No. 2848** -- Municipal Government - As introduced, extends municipal pilot program deadline from 2012 to 2015 for dealing with abandoned construction. - Amends TCA Section 13-21-102. by \*Sargent.

**House Bill No. 2849** -- Education, Higher - As introduced, requires, in moving from the enrollment-based higher education funding formula to the outcomes-based funding formula, a 10-year period in which the hold harmless provision of the enrollment-based funding formula is phased out. - Amends TCA Title 49, Chapter 7, Part 2. by \*Hurley.

**\*House Bill No. 2850** -- Fireworks - As introduced, revises the population figures for counties in which fireworks may not be sold from 200,000 to 335,000 according to the 2010 federal census or any subsequent federal census. - Amends TCA Section 68-104-112. by \*Womick.

## MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 2851** -- School Transportation - As introduced, removes limitation on commercial advertising on school buses that requires such advertising to "be composed of lettering on a background color." - Amends TCA Section 49-6-2109. by \*Maggart.

**\*House Bill No. 2852** -- Sexual Offenders - As introduced, provides that the conveyance or real or personal property of a sexual offender used to violate a provision of the sex offender registry is subject to forfeiture. - Amends TCA Title 39, Chapter 13, Part 5. by \*Maggart.

**\*House Bill No. 2853** -- Sexual Offenders - As introduced, adds the offense of promoting prostitution to the list of sexual offenses requiring registration under the sex offender registry and adds second offense promoting prostitution to the list of violent sexual offenses. - Amends TCA Title 40, Chapter 39, Part 2. by \*Maggart.

**\*House Bill No. 2854** -- Sexual Offenders - As introduced, provides that if a sexual offender is not incarcerated at the time of sentencing, the offender is to report to a probation officer for the purpose of giving a DNA specimen; provides that cost of sample is to be paid by the offender. - Amends TCA Title 40, Chapter 35, Part 3. by \*Maggart.

**\*House Bill No. 2855** -- Criminal Offenses - As introduced, revokes the beer permit and license to sell tobacco products and prohibits renewal of lottery retail contract for a period of one year if the owner or employee of a retail establishment is convicted of selling certain synthetic, analogue or imitation controlled substances. - Amends TCA Title 4, Chapter 51; Title 39, Chapter 17, Part 4; Title 57, Chapter 5, Part 1 and Title 67, Chapter 4, Part 10. by \*Maggart, \*Williams R.

**House Bill No. 2856** -- Sexual Offenses - As introduced, clarifies that law permits prosecution and conviction for displaying sexual activity to a minor by electronic communication regardless of whether the victim is a minor or an undercover police officer posing as a minor. - Amends TCA Title 39. by \*Maggart.

**House Bill No. 2857** -- Criminal Offenses - As introduced, increases the punishment for assault and aggravated assault against health care providers. - Amends TCA Title 39, Chapter 13. by \*Maggart.

**\*House Bill No. 2858** -- DUI Offenses - As introduced, permits a person who has been properly trained to draw blood to do so for purposes of DUI investigation; removes the requirement that a phlebotomist taking blood for DUI investigation be certified or nationally registered; and protects both from civil or criminal immunity unless it arises from that person's negligence. - Amends TCA Title 55, Chapter 10. by \*Maggart.

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**\*House Bill No. 2648** -- Guardianship -- House Children and Family Affairs Committee

**\*House Bill No. 2649** -- Lottery, Scholarships and Programs -- House Education Committee

**MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*House Bill No. 2650** -- Lottery, Corporation -- House State and Local Government Committee

**House Bill No. 2651** -- Lottery, Corporation -- House State and Local Government Committee

**\*House Bill No. 2652** -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

**\*House Bill No. 2653** -- Education -- House Education Committee

**\*House Bill No. 2654** -- Bail, Bail Bonds -- House Judiciary Committee

**\*House Bill No. 2655** -- Criminal Offenses -- House Judiciary Committee

**\*House Bill No. 2656** -- Sexual Offenses -- House Judiciary Committee

**\*House Bill No. 2657** -- Public Utilities -- House Commerce Committee

**\*House Bill No. 2658** -- Public Buildings -- House State and Local Government Committee

**\*House Bill No. 2659** -- Taxes, Sales -- House Commerce Committee

**\*House Bill No. 2660** -- Taxes, Sales -- House Agriculture Committee

**\*House Bill No. 2661** -- Traffic Safety -- House Transportation Committee

**\*House Bill No. 2662** -- Traffic Safety -- House Transportation Committee

**\*House Bill No. 2663** -- Education -- House Education Committee

**\*House Bill No. 2664** -- Health Care -- House Health and Human Resources Committee

**\*House Bill No. 2665** -- Food and Food Products -- House Agriculture Committee

**House Bill No. 2666** -- Teachers, Principals and School Personnel -- House Education Committee

**House Bill No. 2667** -- Child Custody and Support -- House Children and Family Affairs Committee

**\*House Bill No. 2668** -- Consumer Protection -- House Education Committee

**\*House Bill No. 2669** -- Child Labor -- House Consumer and Employee Affairs Committee

**\*House Bill No. 2670** -- Firearms and Ammunition -- House Judiciary Committee

**\*House Bill No. 2671** -- Employees, Employers -- House Consumer and Employee Affairs Committee

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**\*House Bill No. 2672** -- Medical Occupations -- House Judiciary Committee

**\*House Bill No. 2673** -- Pest Control -- House Commerce Committee

**\*House Bill No. 2674** -- Teachers, Principals and School Personnel -- House Education Committee

**\*House Bill No. 2675** -- Education -- House Education Committee

**\*House Bill No. 2676** -- Forfeiture of Assets -- House State and Local Government Committee

**\*House Bill No. 2677** -- Taxes, Exemption and Credits -- House Finance, Ways and Means Committee

**\*House Bill No. 2678** -- Bail, Bail Bonds -- House Judiciary Committee

**\*House Bill No. 2679** -- Alcoholic Beverages -- House State and Local Government Committee

**\*House Bill No. 2680** -- Gas, Petroleum Products, Volatile Oils -- House Commerce Committee

**\*House Bill No. 2681** -- Teachers, Principals and School Personnel -- House Education Committee

**House Bill No. 2682** -- Highway Signs -- House Transportation Committee

**\*House Bill No. 2683** -- Landlord and Tenant -- House Commerce Committee

**\*House Bill No. 2684** -- Medical Occupations -- House Health and Human Resources Committee

**House Bill No. 2685** -- Criminal Procedure -- House Judiciary Committee

**House Bill No. 2686** -- Sentencing -- House Judiciary Committee

**House Bill No. 2687** -- Criminal Offenses -- House Judiciary Committee

**\*House Bill No. 2688** -- Highway Signs -- House Transportation Committee

**\*House Bill No. 2689** -- Highways, Roads and Bridges -- House Transportation Committee

**\*House Bill No. 2690** -- Property Assessors -- House State and Local Government Committee

**\*House Bill No. 2691** -- Special License Plates -- House Transportation Committee

**\*House Bill No. 2692** -- Criminal Offenses -- House Judiciary Committee



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**House Bill No. 2693** -- Highways, Roads and Bridges -- House Transportation Committee

**\*House Bill No. 2694** -- Day Care -- House Health and Human Resources Committee

**House Bill No. 2695** -- Criminal Offenses -- House Judiciary Committee

**\*House Bill No. 2696** -- State Employees -- House State and Local Government Committee

**\*House Bill No. 2697** -- Campaigns and Campaign Finance -- House State and Local Government Committee

**\*House Bill No. 2698** -- Criminal Offenses -- House Judiciary Committee

**\*House Bill No. 2699** -- Schools, Charter -- House Education Committee

**\*House Bill No. 2700** -- Education, Higher -- House Education Committee

**\*House Bill No. 2701** -- Drugs, Prescription -- House Health and Human Resources Committee

**\*House Bill No. 2702** -- Education -- House Education Committee

**\*House Bill No. 2703** -- Lottery, Corporation -- House State and Local Government Committee

**\*House Bill No. 2704** -- Education -- House Education Committee

**\*House Bill No. 2705** -- Personal Property -- House Commerce Committee

**\*House Bill No. 2706** -- Workers Compensation -- House Consumer and Employee Affairs Committee

**\*House Bill No. 2707** -- Fees -- House Judiciary Committee

**\*House Bill No. 2709** -- Election Laws -- House State and Local Government Committee

**\*House Bill No. 2710** -- Election Laws -- House State and Local Government Committee

**\*House Bill No. 2711** -- Courts -- House Judiciary Committee

**\*House Bill No. 2712** -- Livestock -- House Agriculture Committee

**House Bill No. 2713** -- Sexual Offenders -- House Judiciary Committee

**House Bill No. 2714** -- Highway Signs -- House Transportation Committee

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**\*House Bill No. 2715** -- State Government -- House State and Local Government Committee

**House Bill No. 2716** -- Public Officials -- House State and Local Government Committee

**House Bill No. 2717** -- Budget Procedures -- House Finance, Ways and Means Committee

**\*House Bill No. 2718** -- Professions and Occupations -- House Commerce Committee

**\*House Bill No. 2719** -- Railroads -- House Transportation Committee

**\*House Bill No. 2720** -- Railroads -- House Transportation Committee

**\*House Bill No. 2721** -- Driver Licenses -- House Transportation Committee

**\*House Bill No. 2722** -- Motor Vehicles -- House Transportation Committee

**House Bill No. 2723** -- TennCare -- House Health and Human Resources Committee

**\*House Bill No. 2724** -- Drugs, Prescription -- House Health and Human Resources Committee

**\*House Bill No. 2725** -- Welfare -- House Health and Human Resources Committee

**\*House Bill No. 2727** -- Contractors -- House Commerce Committee

**\*House Bill No. 2728** -- Insurance, Health, Accident -- House Commerce Committee

**House Bill No. 2729** -- Safety, Dept. of -- House Transportation Committee

**House Bill No. 2730** -- Election Laws -- House State and Local Government Committee

**House Bill No. 2731** -- Sentencing -- House Judiciary Committee

**House Bill No. 2732** -- Sexual Offenders -- House Judiciary Committee

**House Bill No. 2733** -- Sexual Offenses -- House Judiciary Committee

**House Bill No. 2734** -- Motor Vehicles -- House Transportation Committee

**House Bill No. 2735** -- Taxes, Exemption and Credits -- House Commerce Committee

**House Bill No. 2736** -- Taxes, Exemption and Credits -- House Commerce Committee

**House Bill No. 2737** -- Taxes, Exemption and Credits -- House State and Local Government Committee

**\*House Bill No. 2738** -- Teachers, Principals and School Personnel -- House Education Committee

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**\*House Bill No. 2739** -- Education -- House Education Committee

**\*House Bill No. 2740** -- Education -- House Education Committee

**\*House Bill No. 2741** -- Education -- House Education Committee

**House Bill No. 2742** -- Taxes, Sales -- House State and Local Government Committee

**House Bill No. 2743** -- Lottery, Scholarships and Programs -- House Education Committee

**House Bill No. 2744** -- Child Custody and Support -- House Children and Family Affairs Committee

**House Bill No. 2745** -- Drugs, Prescription -- House Health and Human Resources Committee

**House Bill No. 2746** -- Senate -- House Conservation and Environment Committee

**\*House Bill No. 2747** -- Licenses -- House Commerce Committee

**House Bill No. 2748** -- Education -- House Education Committee

**\*House Bill No. 2749** -- DUI Offenses -- House Judiciary Committee

**\*House Bill No. 2750** -- DUI Offenses -- House Judiciary Committee

**\*House Bill No. 2751** -- DUI Offenses -- House Judiciary Committee

**\*House Bill No. 2752** -- DUI Offenses -- House Judiciary Committee

**\*House Bill No. 2753** -- Education -- House Education Committee

**\*House Bill No. 2754** -- Libraries -- House State and Local Government Committee

**House Bill No. 2755** -- Criminal Offenses -- House Judiciary Committee

**House Bill No. 2756** -- Special License Plates -- House Transportation Committee

**\*House Bill No. 2757** -- TennCare -- House Health and Human Resources Committee

**\*House Bill No. 2758** -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

**\*House Bill No. 2759** -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

**\*House Bill No. 2760** -- Welfare -- House Health and Human Resources Committee

**House Bill No. 2761** -- Criminal Offenses -- House Judiciary Committee

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**\*House Bill No. 2762** -- Tennessee Higher Education Commission -- House Education Committee

**House Bill No. 2763** -- Sentencing -- House Judiciary Committee

**House Bill No. 2764** -- Contractors -- House Commerce Committee

**\*House Bill No. 2765** -- Real Property -- House Conservation and Environment Committee

**\*House Bill No. 2766** -- Libraries -- House State and Local Government Committee

**\*House Bill No. 2767** -- Tennessee Wildlife Resources Agency -- House Conservation and Environment Committee

**\*House Bill No. 2768** -- Herbal Products and Natural Foods -- House Agriculture Committee

**\*House Bill No. 2769** -- County Government -- House State and Local Government Committee

**\*House Bill No. 2770** -- Utilities, Utility Districts -- House State and Local Government Committee

**\*House Bill No. 2771** -- Contractors -- House Commerce Committee

**\*House Bill No. 2772** -- Taxes, Exemption and Credits -- House Finance, Ways and Means Committee

**\*House Bill No. 2773** -- Licenses -- House Commerce Committee

**\*House Bill No. 2774** -- Criminal Procedure -- House Judiciary Committee

**\*House Bill No. 2775** -- Dentists and Dentistry -- House Health and Human Resources Committee

**CONSENT CALENDAR**

**House Joint Resolution No. 588** -- Memorials, Personal Achievement - Gladys C. Best, Republican of the Year. by \*Cobb.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 99  
Noes..... 0

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

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Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 1376** -- Municipal Government - As introduced, increases penalty for misuse of municipal sidewalk from Class C to Class B misdemeanor. - Amends TCA Title 7. by \*Todd, \*Lollar, \*White. (SB1165 by \*Norris)

Further consideration of House Bill No. 1376 previously considered on May 19, 2011 and January 10, 2012, at which time it was reset for today's Regular Calendar.

Rep. Todd moved that House Bill No. 1376 be passed on third and final consideration.

Rep. Ramsey requested that State and Local Government Committee Amendment No. 1 be moved to the heel of the amendments.

Rep. Ramsey requested that State and Local Government Committee Amendment No. 2 be moved to the heel of the amendments.

Rep. Todd moved adoption of Amendment No. 3 as follows:

#### Amendment No. 3

AMEND House Bill No. 1376 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-39-405, is amended by designating the existing language as subsection (a) and by adding the following as subsection (b):

(b) Unless a written agreement was executed by the municipality and another taxing jurisdiction prior to April 2011, or becomes effective on the first day of any fiscal year thereafter, that provides for a different payment, each taxing jurisdiction shall receive a payment that is equal to that portion of the total tax equivalent payment that is calculated using each such taxing jurisdiction's tax rate.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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Rep. Todd requested that Amendment No. 3 be moved to the heel of the amendments.

Rep. Todd requested that Amendment No. 4 be moved to the heel of the amendments.

Rep. Sargent requested that Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 5, be moved to the heel of the amendments.

Rep. Todd moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 1376 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-39-405, is amended by designating the existing language as subsection (a) and by adding the following as subsection (b):

(b) Notwithstanding the provisions of any private act or home rule charter, or any part thereof, relating to the distribution of payments in lieu of taxes, unless a written agreement was executed prior to April 2012, or becomes effective on the first day of any fiscal year thereafter, by another taxing jurisdiction and:

(1) A municipality,

(2) Located in any county having a charter form of government;

(3) That owns and operates a gas system,

and such written agreement provides for a different payment, then each taxing jurisdiction shall receive a payment that is equal to that portion of the total tax equivalent payment that is calculated using each such taxing jurisdiction's tax rate pursuant to § 7-39-404(1)(A).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Lollar moved the previous question on Amendment No. 6, which motion failed by the following vote:

Ayes .....	62
Noes .....	33

Representatives voting aye were: Alexander, Brooks K, Butt, Campbell, Carr, Cobb, Coley, Dean, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent,

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Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 62

Representatives voting no were: Armstrong, Bass, Brown, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle – 33

### RECESS MOTION

Rep. L. DeBerry moved that the House stand in a brief recess, which motion failed by the following vote:

Ayes .....	32
Noes.....	63
Present and not voting.....	1

Representatives voting aye were: Armstrong, Bass, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 32

Representatives voting no were: Alexander, Brooks K, Brown, Butt, Campbell, Carr, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 63

Representatives present and not voting were: Williams K – 1

### REGULAR CALENDAR, CONTINUED

Rep. Hill moved the previous question on Amendment No. 6, which motion prevailed.

On motion, Amendment No. 6 was adopted.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Todd moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Todd moved that Amendment No. 4 be withdrawn, which motion prevailed.

## MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Sargent moved that Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 5, be withdrawn, which motion prevailed.

Rep. Todd moved that **House Bill No. 1376**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	64
Noes.....	25
Present and not voting.....	7

Representatives voting aye were: Alexander, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Parkinson, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tindell, Todd, Watson, Weaver, White, Williams R, Womick, Madam Speaker Harwell -- 64

Representatives voting no were: Armstrong, Brown, Camper, Cooper, Curtiss, DeBerry L, Favors, Hardaway, Harmon, Jones, Miller L, Moore, Naifeh, Odom, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Towns, Turner J, Turner M, Windle -- 25

Representatives present and not voting were: Bass, DeBerry J, Fitzhugh, Gilmore, McDonald, Tidwell, Williams K -- 7

A motion to reconsider was tabled.

### UNFINISHED BUSINESS

#### RULES SUSPENDED

Rep. L. Miller moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 530 out of order, which motion prevailed.

**Senate Joint Resolution No. 530** -- Memorials, Personal Occasion - Reverend Neasbie Alston, 90th birthday. by \*Marrero, \*Ford, \*Kelsey, \*Kyle, \*Norris, \*Tate.

On motion of Rep. L. Miller, the resolution was concurred in.

A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. C. Johnson moved that the rules be suspended for the purpose of introducing House Resolution No. 162 out of order, which motion prevailed.

**House Resolution No. 162** -- Memorials, Recognition - Sang Won Lee, Korean American Association. by \*Johnson C, \*Pitts.



On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. C. Johnson, the resolution was adopted.

A motion to reconsider was tabled.

### **RULES SUSPENDED**

Rep. C. Johnson moved that the rules be suspended for the purpose of introducing House Resolution No. 163 out of order, which motion prevailed.

**House Resolution No. 163** -- Memorials, Recognition - Myong H. Rose, Korean American Association. by \*Johnson C, \*Pitts.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. C. Johnson, the resolution was adopted.

A motion to reconsider was tabled.

### **JOURNAL CORRECTION ON SENATE JOINT RESOLUTION NO. 221**

Representative McCormick directed the Clerk to let the record reflect that Senate Joint Resolution No. 221, having been read three separate times on three separate days, received a vote in the affirmative by a majority of the members elected to the Tennessee House of Representatives of the One Hundred Seventh General Assembly and was declared concurred in, on January 19, 2012, pursuant to Article 11, Section 3 of the Constitution of the State of Tennessee.

### **RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 528 out of order, which motion prevailed.

**Senate Joint Resolution No. 528** -- General Assembly, Joint Conventions - State of the State Address, January 30, 2012. by \*Norris.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 529 out of order, which motion prevailed.

**Senate Joint Resolution No. 529** -- General Assembly, Joint Conventions - Calls joint convention on January 26, 2012, for purpose of fulfilling ethics course requirement for members of the general assembly. by \*Norris.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

**BILLS WITHDRAWN**

On motion of Rep. M. Turner, **House Bill No. 3** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 199** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 810** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 814** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 820** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 1518** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 1520** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 1521** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 1711** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 1528** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 2083** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 2084** was recalled from the State and Local Government Committee and withdrawn from the House.

## **MONDAY, JANUARY, 23 2012 – FORTY-FIFTH LEGISLATIVE DAY UNOFFICIAL VERSION**

On motion of Rep. M. Turner, **House Bill No. 2313** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 821** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 822** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 823** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. M. Turner, **House Bill No. 824** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Faison, **House Bill No. 2670** was recalled from the Judiciary Committee and withdrawn from the House.

### **ANNOUNCEMENTS**

#### **BILL FILING DEADLINE**

The Clerk announced that the bill filing deadline in the House would be on the tenth legislative day, February 1, 2012, provided that the House stays on its normal schedule. The Clerk further announced that the Senate had suspended their rules for January 26, 2012 to be the bill filing deadline in the Senate.

#### **SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 587** Rep(s). Carr, Womick, Floyd, D. Miller, Maggart, Rich, Faison, Weaver and Hill as prime sponsor(s).

**House Bill No. 2382** Rep(s). Sexton as prime sponsor(s).

**House Bill No. 2450** Rep(s). Casada as prime sponsor(s).

### **MESSAGE FROM THE SENATE** **January 23, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 515; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED  
January 23, 2012**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 515.

**MESSAGE FROM THE GOVERNOR  
January 23, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 518, 519, 521, 524, 528, 529, 530, 531, 532, 533, 534, 536, 537, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553 and 555; with his approval.

HERBERT H. SLATERY, III, Legal Counsel to the Governor

**MESSAGE FROM THE SENATE  
January 23, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 208; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
January 23, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1680; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1680** -- Education, Curriculum - As introduced, requires cardiopulmonary resuscitation programs to implement hands-on practice and skills testing to support cognitive learning, as opposed to merely cognitive training. - Amends TCA Title 49, Chapter 6, Part 12. by \*Tracy, \*Gresham, \*Tate, \*Kelsey, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Summerville, \*Barnes, \*Faulk, \*Ford, \*Harper, \*Kyle, \*Marrero, \*Overbey. (\*HB1519 by \*Turner M, \*Campbell, \*Moore, \*Ramsey, \*Shipley)

**ENGROSSED BILLS  
January 23, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 1376;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS  
January 23, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 588;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS  
January 23, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 162 and 163; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED  
January 23, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 162 and 163.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ROLL CALL**

The roll call was taken with the following results:

Present..... 98

Representatives present were Alexander, Armstrong, Bass, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

**RECESS MOTION**

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Wednesday, January 25, 2012.